

Update On The Sally Marie

Matthew Marr's 38' fishing boat, the "Sally Marie", is prohibited from mooring in Cohasset Harbor until the case is tried on all merits August 14 at Norfolk Superior Court.

The temporary restraining order to keep Marr's boat out of the harbor has been made a preliminary injunction which will remain in effect until the court disposition, Assistant Town Counsel Richard Henderson explained.

"The case is going to trial on its merits before a Master on August 14 at Norfolk Superior Court," he said. Henderson also noted that he withdrew the contempt charge the town had filed against Marr for failure to remove his boat promptly after receiving the restraining order.

Michael Savage, Marr's attorney, has filed an amended complaint which has not yet been heard or approved by the court, Henderson said. The new brief claimed that Harbormaster Harry Ritter approved Marr's request to moor his new boat at his present mooring following a February meeting on the matter.

The original complaint stated that at the February meeting between Marr, Ritter and Selectman Arthur Clark, it was opined "that the present mooring was sufficient for his (Marr's) enlarged vessel, and they (Selectmen) did not disagree." "In reliance upon" that conversation, the brief continued, Marr purchased a 38' vessel.

According to Henderson the most significant change in the complaints is that the former assumed approval to moor a larger boat by way of implication, and that the latter claimed approval by the Harbormaster.

Marr is still arguing that the Harbor regulations, amended in June 1978 by the Harbor Study Committee, were designed to strangle the fishing industry. Henderson pointed out that the amendments to the regulations are guidelines only, and have no legislative authority.

He explained that the Harbor Regulations are town by-laws, enacted by vote of Town Meeting. The Harbormaster by state statute has the right to make mooring regulations, which in turn are passed by Selectmen. The June 1978 amendments to the mooring regulations, Henderson noted, were enunciated by the Harbor Study Committee, and are guidelines, not laws.

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